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CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

on 4-17-07.

Mary Meegan
Mary Meegan

In Re Application of:

Christian L. Struble

Serial No.: 09/894,213

Filed: June 27, 2001

Group Art Unit: 3622

Examiner: Alvarez, Raquel

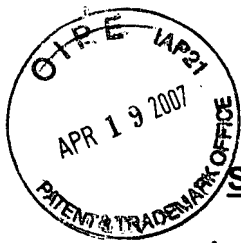
Docket No. 10010610-1

For: **System and Method for Controlling the Presentation of Advertisements**

The following is a list of documents enclosed:

2 Return Postcards
Petition for Withdrawal of Holding Abandonment
Statement of Facts Accompanying Petition
Copy of the Response miled May 25, 2006
Copy of the Return Postcard showing Papers Filed

Further, the Commissioner is authorized to charge Deposit Account No. 08-2025 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 08-2025.



Statement of Facts Accompanying Petition under 37 C.F.R. § 1.181

Applicant hereby Petitions the Director to withdraw the holding of abandonment expressed in the Notice of Abandonment mailed March 7, 2007. Applicant puts forth the following facts for the consideration of the Director.

On April 25, 2006, a Notification of Non-Compliant Appeal Brief was mailed by the U.S. Patent and Trademark Office (USPTO) to the Applicant in the instant patent application (serial number 09/894,213). In response to the Examiner's Notification of Non-Compliant Appeal Brief, Applicant filed a Response to Notification of Non-Compliant Appeal Brief on May 25, 2006. In that Response, Applicant noted that the comments provided in the Order Returning Undocketed Appeal to Examiner were directed at the Examiner, not Applicant. Therefore, Applicant declined to make various changes to the Appeal Brief requested by the Examiner as the Board's Order stated that a Substitute Examiner's Answer was required, *not* a Substitute Appeal Brief. No reply from the USPTO was received in relation to Applicant's Response of May 25, 2006.

Applicant has included various evidence that establishes that Applicant did in fact mail, and therefore file, the aforementioned Response on May 25, 2006. That evidence includes the following:

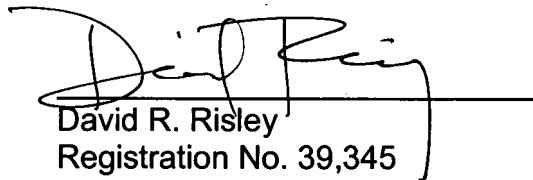
- (a) Copy of the return postcard mailed to the USPTO on May 25, 2006, identifying the Response to Notification of Non-Compliant Appeal Brief;
- (b) Copy of the return postcard received back from the USPTO and stamped by the USPTO as having being received by the USPTO on May 30, 2006; and

(c) Copy of the Certificate of Mailing dated May 25, 2006, provided on the second page of the Response to Notification of Non-Compliant Appeal Brief mailed to the USPTO on May 25, 2006.

In view of the above evidence, it is clear that Applicant did timely file the Response to Notification of Non-Compliant Appeal Brief and accompanying documents with the USPTO on May 25, 2006. Applicant therefore respectfully requests that the holding of abandonment be withdrawn and that Applicant's Response to Notification of Non-Compliant Appeal Brief be considered.

If any further information is required, Applicant requests that the USPTO contact the representative identified below at (770) 933-9500.

Respectfully submitted,


David R. Risley
Registration No. 39,345



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Christian L. Struble

Group Art Unit: 3622

Serial No.: 09/894,213

Examiner: Alvarez, Raquel

Filed: June 27, 2001

Docket No. 10010610-1

For: **System and Method for Controlling the Presentation of Advertisements**

PETITION FOR WITHDRAWAL OF HOLDING ABANDONMENT
FILED UNDER 37 C.F.R. §1.181

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

1. Applicant petitions that the abandonment set forth in the notice mailed by the office on **March 7, 2007** be withdrawn.

2. Submitted herewith is:

☒ A copy of the response mailed **May 25, 2006** showing a Certificate of Mailing executed on **May 25, 2006**.

☒ A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated **May 30, 2006**.

☐ A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.

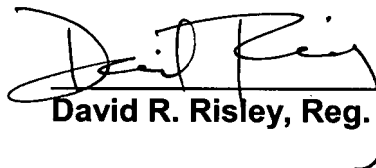
☒ A statement of facts as set forth in the 37 CFR 1.181(b).

3. Please proceed with further examination of this application on the basis of:

- ☐ The original papers filed, which have now reached the appropriate area of the PTO, and/or
- ☒ The attached copy of the papers originally filed.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of Code of Federal Regulations that may regulate fees.

Respectfully submitted,



David R. Risley, Reg. No.: 39,345

Serial No.: 09/894,213

Filed: 6-27-01

Patent No.:

Issued:

Applicant: Struble

Title: System and Method for Controlling the Presentation of Advertisements

Docket No.: 050818-1960

C/M Date: 5-25-06

EM No.:

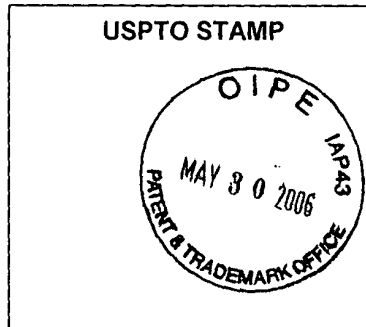
Due Date: 5-25-06

**PATENT AND TRADEMARK OFFICE
STAMP HEREON ACKNOWLEDGES
RECEIPT OF THE BELOW IDENTIFIED
PAPERS:**

Cert. of Mailing: ☒ Regular US Mail
☐ Express Mail

Fees ☐ \$
Pymt ☐ Check
Form ☐ Dep. Acct:
☐ Credit Card Paym't Form
☐ Fee Transmittal Page

- ☐ RCE Application Transmittal Pg.
- ☐ Missing Parts Response
- ☐ Copy of Missing Parts Notice
- ☐ Resp. Incomplete Application Papers
- ☐ Copy - Not. Incomplete Appl. Papers
- ☐ Declaration & Power of Attorney
- ☐ Preliminary Amendment
- ☐ Small Entity Status Claimed
- ☐ IDS/Form 1449
- ☐ Cited Reference(s) ()
- ☐ Assignment/Assign't Cover Sheet
- ☐ Terminal Disclaimer
- ☐ Transmittal Page
- ☐ Amendment: ☐ Restriction
☐ Non-Final ☐ Final
- ☐ After Not. Allow ☐ Unentered
- ☐ Response to Advisory Action
- ☐ Petition for EOT to:
- ☐ Claim of Priority & Sub. Cert. Copy
of Foreign Application
- ☒ Other: Response to Notification of "Non-Compliant" Appeal Brief



- ☐ Request to Rescind Non-Pub.
- ☐ Petition to Make Special
- ☐ Reply Brief (in triplicate)
- ☐ Notice of Appeal (in duplicate)
- ☐ Appeal Brief
- ☐ Request for Refund
- ☐ Request for Correction F/R
- ☐ Notice of Continuation Applic.
- ☐ Issue Fee Trx. ☐ In Dupl.
- ☐ Sheets of Drawings
☐ Formal ☐ Informal
- ☐ Letter/Trx. To Draftsman
- ☐ Prior to NOA ☐ W/I NOA
- ☐ Request for Cert. Of Correct.
- ☐ Certificate of Correction x 2
- ☐ Maintenance Fee Transmittal
☐ 3.5 ☐ 7.5 ☐ 11.5
☐ in duplicate

Person Mailing: MRM

Responsible Atty: DRR



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Christian L. Struble

Group Art Unit: 3622

Serial No.: 09/894,213

Examiner: Alvarez, Raquel

Filed: June 27, 2001

Docket No. 10010610-1

For: **System and Method for Controlling the Presentation of Advertisements**

RESPONSE TO NOTIFICATION OF "NON-COMPLIANT" APPEAL BRIEF

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Notification of Non-Compliant Amendment mailed April 25, 2006 has been carefully considered. Applicant submits this Response to the Notification.

It is not believed that extensions of time or fees are required to consider this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

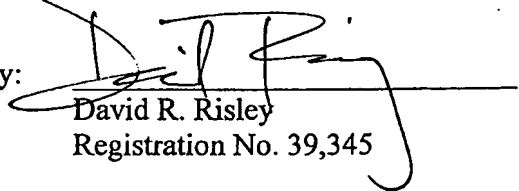
REMARKS

It appears that the comments provided by the Board of Patent Appeals and Interferences in the Order Returning Undocketed Appeal to Examiner are directed at the Examiner's Answer and not Applicant's Appeal Brief. In light of that fact, the comments in the Order do not appear to apply to the Applicant's Brief. Accordingly, Applicant has not made the various changes requested in the Notification of Non-Compliant Appeal Brief.

If there are questions about this matter, the undersigned attorney may be contacted at (770) 933-9500.

Respectfully submitted,

By:


David R. Risley
Registration No. 39,345

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on:

S-25-06
Mary M. M. M.
Signature